

PRELIMINARY AMENDMENT

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Patent Application for:  
Interactive Telephone System for Optimizing Service Economy  
Parent Application Serial No: 07/873,323  
Filed: June 2, 1994

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27.

[New]

The method according to claim <sup>9</sup>26 further comprising the steps of answering the incoming call attempt and playing a prerecorded message in response to the invalid call attempt.

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Concl

Remarks

In response to the Final Office Action mailed January 14, 1994 in the parent case for the present patent application, and in response to the Advisory Action mailed March 17, 1994, the above-identified patent application has been amended. Reconsideration of the rejections in the parent case and allowance of the new claims presented is respectfully solicited.

Change of Power of Attorney

Applicant calls the Examiner's attention to the Acceptance of Power of Attorney for the present patent application mailed April 7, 1994. Applicant also calls the Examiner's attention to the Change of Address request filed with the present Preliminary Amendment.

New Claims Amended claims 18 - 27

New claims 18-27 are submitted to take the place of original claims 1-17. At this time, only claims 2-17 have been deleted and claim 1 will be deleted after admission of these new claims to ensure continuity of the case.

The claims have been specifically rewritten to remove the rejections under 35 U.S.C. Section 112 and 35 U.S.C. Section 103. Support for these claims are found throughout the specification.

In particular, new claim 18 replaces original claim 1. This claim is written in a more readable fashion and explicitly sets forth the fact that direct inward dial numbers are

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used to compare an incoming call from a subscriber to the subscriber list stored within the system.

Claim 19 describes a further limitation of the system in which a user does not terminate the call within a predetermined time. This corresponds to page 17 of the specification where it describes that an invalid call attempt is one in which a caller does not hang up within a predetermined period of time. This is usually the case when a wrong number is dialed into the present system, or a user is improperly using the system. Other invalid call attempts are described in claims 20-22.

Claim 23 is a new method claim corresponding to deleted claim 14. This method claim explicitly describes the steps of operation of the present invention including the use of direct inward dial numbers which is nowhere shown in the prior art.

Claims 24-27 also describe invalid call attempts.

Interview Summary

Applicant thanks Examiner Matar for the courtesy of the telephone interview on May 16, 1994. Applicant contacted Examiner Matar to discuss the status of the claims after reviewing the Advisory Action mailed March 17, 1994. The Examiner and Applicant's attorney discussed the rejection of original claims 1, 4 and 5 under 35 U.S.C. §103 and the rejection of original claims 2 and 3 under 35 U.S.C. §112. The Examiner reiterated his position that the amendment After Final would not be admitted in its present form since the scope of independent claim 1 has changed. No agreement on the claims was made.

Drawings Objection

The Examiner objected to Figure 3 because it did not show under what condition the process would proceed from 48 to 49. A proposed drawing change was previously mailed on March 28, 1994. Acceptance of this drawing change is respectfully

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requested. Upon notice that the drawing changes are approved, new formal drawings will be submitted to the Official Draftsman.

Rejections Under 35 U.S.C. § 112, Second Paragraph

In the Final Office Action of the parent application, original claims 2-3 were rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The new claims have been carefully reviewed to ensure they comply with 35 U.S.C. § 112. Reconsideration of the rejection and allowance of new claims 18-27 is respectfully requested.

Rejection Under 35 U.S.C. § 103

In the Final Office Action of the parent application, the Examiner rejected original claims 1-14 and 16-17 under 35 USC §103 as being unpatentable over Kahn et al. (US Patent No. 4,086,438). The Examiner has not explicitly cited a second reference to support this rejection. Under MPEP 706.02(a), applicants respectfully request the Examiner cite a second reference in support of his position.

The present invention is nothing like the Kahn et al. patent. The Kahn et al. patent describes an automatic interconnection system for answering incoming calls and connecting the incoming call to an outgoing line for making an outgoing call. The calling party has to call into the system where the system answers. The calling party then provides a security code which is compared with stored codes. If a valid security code is entered by the calling party, the system will provide the calling party with a dial tone so the calling party can make an outgoing call.

In contrast to this, the present invention as described in new apparatus claims 18-22 and new method claims 23-27 describe a system which operates without the subscriber being charged for a long distance call. This is accomplished according to the claimed

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invention by having this system receive the direct inward dial number called by the subscriber and calling back the subscriber without the need to have the subscriber connect to the system. This is a superior system to the Kahn et al. patent since the subscriber will not incur any long distance charges for connection. If the assigned direct inward dial number of the subscriber matches that of the list, the system calls the subscriber's telephone station which is preassigned. Thus, the system is further superior to the Kahn et al. patent since it prevents fraud and use by non-subscribers by only calling a subscriber's telephone station. Thus, theft of a subscriber's access code or security code as described in the Kahn et al. patent is impossible with the present invention.

The new claims as submitted contain elements which are not found in the Kahn et al. reference. Thus, the rejection of the claims based on the Kahn et al. reference would not be proper. Applicant respectfully requests, therefore, that these new claims be examined, that the rejections of this case be removed, and the claims be allowed to issue.

Request for Interview Prior to First Office Action

Applicant respectfully requests a telephone interview with the Examiner prior to the first office action pursuant to MPEP Section 706.07(b) which states that "a request for an interview prior to first action on a continuing or substitute application shall ordinarily be granted." Applicant believes an interview prior to the first action would be beneficial in furthering the action on this case.

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Conclusion

Applicant respectfully requests that removal of all rejections of the pending claims and allowance of all claims be granted.

Respectfully submitted,

James Harry Alleman

By his attorney,

SCHWEGMAN, LUNDBERG  
& WOESSNER, P.A.

3500 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
(612) 373-6904

By Daniel J. Kluth  
Reg. No. 32,416

Date June 2, 1994

By Daniel J. Kluth  
Daniel J. Kluth  
Reg. No. 32,416

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